

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74110 of 2025

Arising Out of PS. Case No.-295 Year-2025 Thana- PIPRA District- East Champaran

1. Indu Devi Wife of Akhilesh Mukhiya Residents of Village-Kuwarpur, Bin Toli, PS-Pipra, District-East Champaran, Motihari.
2. Pooja Kumari@ Pooja Kumar Daughter of Beyash Mukhiya Residents of Village-Kuwarpur, Bin Toli, PS-Pipra, District-East Champaran, Motihari.
3. Aarti Kumari Daughter of Beyash Mukhiya Residents of Village-Kuwarpur, Bin Toli, PS-Pipra, District-East Champaran, Motihari.
4. Dhiraj Kumar Son of Beyash Mukhiya Residents of Village-Kuwarpur, Bin Toli, PS-Pipra, District-East Champaran, Motihari.
5. Suraj Kumar son of Beyash Mukhiya Residents of Village-Kuwarpur, Bin Toli, PS-Pipra, District-East Champaran, Motihari.
6. Kalawati Devi Wife of Baidya Nath Mukhiya Residents of Village-Kuwarpur, Bin Toli, PS-Pipra, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate
For the Opposite Party/s	:	Mr. Sumit Kumar Gupta, Advocate Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-02-2026 At the outset, learned counsel for the petitioners prays for withdrawal of the anticipatory bail application so far as the petitioner no. 4, Dhiraj Kumar and Petitioner no. 5, Suraj Kumar is concerned.

2. Permission accorded.

3. Accordingly, the anticipatory bail application stands dismissed as withdrawn with regard to petitioner no. 4, Dhiraj Kumar and Petitioner no. 5, Suraj Kumar.



4. Heard Ms. Isha Mishra, learned counsel for the petitioner and the State.

5. The petitioners are apprehending their arrest in connection with Pipra P.S. Case No. 295 of 2025 for the offence under sections 126(2), 115(2), 118, 109(1), 303(2), 352 and 3(5) of the BNS lodged on 25.06.2025 by the informant, Lalita Devi.

6. As per the prosecution story, the informant alleged that his neighbour Byas Mukhiya was selling the *Toddy* and country made liquor as a result whereof the area was always flooded with persons with criminal antecedent. As he used to oppose, allegation is that on 24.06.2025, they attacked and assaulted the informant as also her husband and father-in-law. The injured were shifted to Chakiya Sub Divisional Hospital. This led to the FIR.

7. In this case, the Coordinate Bench had called for the case diary which has now been received.

8. Learned counsel for the petitioners submit that though allegation is there and unfortunate death of the father-in-law of the informant also took place, the allegations are omnibus in nature and in any case, the FIR starts with the allegation on Byas Mukhiya that he used to sell '*Toddy*'. However, in the attack, they have named even the female



inmates beside Byas Mukhiya and his sons. The petitioner nos. 1 to 3 and 6 have no criminal antecedent and are ready to cooperate in the investigation/diligently appear in trial.

9. Learned APP opposes the prayer submitting that a death has occurred and not only Byas Mukhiya used to sell '*Toddy*' upon opposition, brutal assault took place resulting in the said death.

10. This Court has taken note of the submissions of the parties, allegation has come, it is omnibus in nature but the role of Byas Mukhiya and his sons cannot be ignored in view of the fact that the lady, her husband as also father-in-law were assaulted in which, one of them (father-in-law) succumbed to the injuries.

11. However, considering the fact that the petitioner nos. 1, 2, 3 and 6, namely, Indu Devi, Pooja Kumari, Aarti Kumari and Kalawati Devi respectively are ladies having no criminal antecedent, specific allegations have not made against them and an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

12. Let the petitioner nos. 1, 2, 3 and 6, namely, Indu



Devi, Pooja Kumari, Aarti Kumari and Kalawati Devi respectively be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM Sadar, East Champaran, Motihari in connection with Pipra P.S. Case No. 295 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner nos. 1, 2, 3 and 6, namely, Indu Devi, Pooja Kumari, Aarti Kumari and Kalawati Devi respectively who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner nos. 1, 2, 3 and 6, namely, Indu Devi, Pooja Kumari, Aarti Kumari and Kalawati Devi respectively shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner nos. 1, 2, 3 and 6, namely, Indu Devi, Pooja Kumari, Aarti Kumari and Kalawati Devi respectively shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the



State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner nos. 1, 2, 3 and 6, namely, Indu Devi, Pooja Kumari, Aarti Kumari and Kalawati Devi respectively shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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